

1 David M. Crosby, ESQ. Bar # 003499
2 Troy Fox, ESQ. Bar # 011127
CROSBY & FOX, LLC
2 711 S. 8th St.
3 Las Vegas, Nevada 89101
(702) 382-2600
4 *Attorneys for Debtor(s)*

E-FILED: 02/27/2014

5 UNITED STATES BANKRUPTCY COURT
6 DISTRICT OF NEVADA

7 * * * * *

8 In the matter of:) Case No: BK-13-19827-mkn
9 Sandra L. Macias) Chapter 13
10 Debtor(s).) Date: February 20, 2014
11) Time: 3:15 p.m.
12) Trustee: Kathleen A. Leavitt

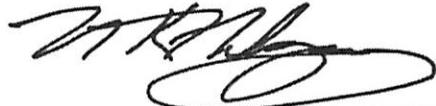
13 NOTICE OF ENTRY OF
14 ORDER GRANTING MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE
AND AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY
15 THE RIGHTS OF LIENHOLDERS AND GRANTING OBJECTION TO
LIENHOLDERS' PROOF(S) OF CLAIM, IF ANY

16
17 **NOTICE IS HEREBY GIVEN** that the above-referenced Order was entered by this Court
18 on the 24th day of February, 2014. A copy of said Order is attached hereto as Exhibit 1 and
19 incorporated herein by reference.

20
21 Dated this 27th day of February, 2014.

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24 Submitted By:

25 /s/ David M. Crosby, Esq.
26 David M. Crosby, Esq.
Troy Fox, Esq.
27 Attorneys for Debtor(s)
28



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
February 24, 2014

DAVID M. CROSBY, ESQ. #003499
TROY S. FOX, ESQ. #11127
711 South Eighth Street
Las Vegas, NV 89101
(702) 382-2600
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In the matter of:) Case No: BK-13-19827-mkn
SANDRA L. MACIAS) Chapter 13
Debtor.) Date: February 20, 2014
) Time: 3:15 p.m.
) Trustee: Kathleen A. Leavitt

**ORDER GRANTING MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE AND
AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY THE
RIGHTS OF LIENHOLDERS AND GRANTING OBJECTION TO LIENHOLDERS'
PROOF(S) OF CLAIM, IF ANY**

THIS MATTER having come before the Court for a hearing on February 20, 2014, on Debtor's MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE AND AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY THE RIGHTS OF LIENHOLDERS AND OBJECTION TO LIENHOLDERS' PROOF(S) OF CLAIM, IF ANY, and based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

1. The Debtor's principal residence located at 880 Mantis Way, Unit 2, Las Vegas, NV 89110, APN: 140-30-310-016 (the "Subject Property") is valued at \$46,688.00 as of the date of Debtor's Chapter 13 Petition.

EXHIBIT "1"

- 1 2. The Subject Property is collateral for a senior secured claim of **SETERUS**
2 ("Senior Lienholder").
3 ✓ Senior Lienholder has not filed a Proof of Claim related to such debt, and
4 but mortgage statement claims a debt of \$111,518.92. Senior Lienholder's
5 claim indicates that Senior Lienholder has assigned account #0764 to this
6 claim.
- 7 3. The Subject Property is also collateral for a junior secured claim of **GREEN**
8 **TREE SERVICING, LLC as servicer for RBS CITIZENS N.A.** ("Junior
9 Lienholder").
10 ✓ Junior Lienholder has filed a Proof of Claim related to such claim, and
11 claims a debt of \$15,028.30. Junior Lienholder has assigned account
12 #2808 to this debt.
- 13 4. That on the filing date of the instant Chapter 13 petition, the claim of junior
14 lienholder **GREEN TREE SERVICING, LLC as servicer for RBS**
15 **CITIZENS N.A.** was wholly unsecured and may therefore be avoided as
16 unsecured consistent with the value of subject real property as determined above
17 pursuant to 11 U.S.C. Section 506(a) and §1322(b)(2); and
- 18 5. The entire junior claim of **GREEN TREE SERVICING, LLC as servicer for**
19 **RBS CITIZENS N.A.** is properly reclassified as non-priority general unsecured
20 claim to be paid pro-rata with other non-priority general unsecured creditors
21 through the Debtor's Chapter 13 plan; and
- 22 6. That it is consistent with the above findings that any claims as identified in Proofs
23 of Claim filed by **GREEN TREE SERVICING, LLC as servicer for RBS**
24 **CITIZENS N.A.** be modified to non-priority general unsecured status to the
25 extent set forth above.

1 THEREFORE, IT IS HEREBY ORDERED THAT:

- 2
- 3 1. The junior claim of **GREEN TREE SERVICING, LLC as servicer for RBS**
4 **CITIZENS N.A.** shall be and is herewith avoided and “stripped off” from
5 Debtor’s real property identified above upon completion of Debtor’s Chapter 13
6 plan and shall henceforth be treated as a “non-priority general unsecured claim”
7 pursuant to 11 U.S.C. §506(a);
- 8 2. That any Proof(s) of Claim filed by **GREEN TREE SERVICING, LLC as**
9 **servicer for RBS CITIZENS N.A.** shall be conformed to the findings herein as
10 non-priority general unsecured to the extent each has been determined herein to be
11 unsecured, to be paid pro-rata with other non-priority general unsecured creditors
12 through the Debtor’s Chapter 13 plan.
- 13 3. Should Debtor receive a discharge in this case, Junior Lienholder’s shall as soon
14 as practicable thereafter take all necessary and appropriate steps to remove its lien
15 of record, and to ensure that Debtor’s title to the Subject Property is clear of any
16 cloud on title related to Junior Lienholder’s claim. This court hereby reserves
17 jurisdiction with respect to any dispute over the actions necessary to comply with
18 this paragraph; and
- 19 4. **GREEN TREE SERVICING, LLC as servicer for RBS CITIZENS N.A.**
20 shall retain its claim for the full amount under the loan referenced above in the
21 event of either dismissal of Debtor’s Chapter 13 case or the conversion of the
22 Debtor’s Chapter 13 case to any other Chapter under the United States Bankruptcy
23 Code.

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2 **ALTERNATIVE METHOD RE: RULE 9021**

3 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
4 reflects the court's ruling and that (check one):

- 5 The court has waived the requirement set forth in LR 9021 (b)(1).
6 No party appeared at the hearing or filed an objection to the motion.
7 I have delivered a copy of this proposed order to all counsel who appeared at
8 the hearing, and any unrepresented parties who appeared at the hearing, and each
9 has approved or disapproved the order, or failed to respond, as indicated below
10 (list each party and whether the party has approved, disapproved, or failed to
11 respond to the document):
12 I certify that this is a case under Chapter 7 or 13, that I have served a copy of
13 this order with the motion pursuant to LR 9014 (g), and that no party has objected
14 to the form or content of the order.

15 Submitted By:
16 CROSBY & FOX, LLC

17 
18 _____
19 David M. Crosby, Esq.
Troy Fox, Esq.

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1 **CERTIFICATE OF MAILING**

2 The undersigned, a Legal Assistant of CROSBY & FOX, LLC hereby certifies that on the
3 27th day of February, 2014, I deposited in the United States Mail, postage prepaid, a true and correct
4 copy of the ***NOTICE OF ENTRY OF ORDER GRANTING MOTION TO VALUE DEBTOR'S***
PRINCIPAL RESIDENCE AND AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING
SAME, TO MODIFY THE RIGHTS OF LIENHOLDERS AND GRANTING OBJECTION TO
LIENHOLDERS' PROOF(S) OF CLAIM, IF ANY to the following parties:
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6
7
8 SETERUS
9 (PROCESSING PAYMENTS)
10 P.O. Box 54420
11 LOS ANGELES, CA 90054-0420

12 SETERUS
13 (CORRESPONDENCE DEPARTMENT)
14 P.O. Box 2008
15 GRAND RAPIDS, MI 49501-2008

16 SETERUS
17 (BANKRUPTCY DEPARTMENT)
18 P.O. Box 2206
19 GRAND RAPIDS, MI 49501-2206

20 THE CORPORATION TRUST COMPANY OF NEVADA
21 Att: Reg. Agt./ SETURUS, INC.
22 311 S. DIVISION ST.
23 CARSON CITY, NV 89703

24 GREEN TREE SERVICING
25 (PROCESSING PAYMENTS)
26 345 ST. PETER ST. L800R
27 ST. PAUL, MN 55102

28 GREEN TREE SERVICING, LLC.
29 (CORRESPONDENCE DEPARTMENT)
30 7340 S. KYRENE RD. T-120
31 TEMPE, AZ 85283

32 THE CORPORATION TRUST COMPANY OF NEVADA
33 Att: Reg. Agt./ GREEN TREE SERVICING, LLC.
34 311 S. DIVISION ST.
35 CARSON CITY, NV 89703

36 KATHLEEN A. LEAVITT
37 Chapter 13 Trustee
38 201 LAS VEGAS BLVD. SO., STE.200
39 LAS VEGAS, NV 89101

1 SANDRA L. MACIAS
2 880 MANTIS WAY, UNIT 2
3 LAS VEGAS, NV 89110

4 U.S. TRUSTEE
5 DEPARTMENT OF JUSTICE
6 300 LAS VEGAS BLVD. SO.
7 SUITE 4300
8 LAS VEGAS, NV 89101

9
10 **SEE ALSO ATTACHED MATRIX**

11 /s/ Miguel A. Martinez
12 A legal assistant for CROSBY & FOX, LLC.

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~~Label Matrix for local noticing
0978-2
Case 13-19827-mkn
District of Nevada
Las Vegas
Thru Feb 27 09:51:43 PST 2014
ALFONSO ROSALES-CARRILLO
880 Mantis Way
Unit 2
Las Vegas, NV 89110-6454~~

United States Bankruptcy Court
300 Las Vegas Blvd., South
Las Vegas, NV 89101-5833

1ST FINANCIAL BANK USA
Acct No 4453-2630-8503-5499
P.O. Box 1100
North Sioux City, SD 57049-1100

Atlas Acquisitions LLC
294 Union St.
Hackensack, NJ 07601-4303

CACH, LLC
Acct No 120007087164
c/o LAW OFFICE OF JOE PEZZUTO, LLC.
4013 E. Brodway, Suite A2
Phoenix, AZ 85040-8818

CACH, LLC
Acct No File IBC765
c/o FINANCIAL RECOVERY SERVICES, INC.
P.O. Box 385908
Minneapolis, MN 55438-5908

CALVARY SPV I, LLC
Acct No 14769118
dba CALVARY PORTFOLIO SERVICES
500 Summit Lake Dr.
Suite 4A
Valhalla, NY 10595-2323

CALVARY SPV I, LLC
Acct No File # 14553652
c/o J.C. CHRISTENSEN & ASSOCIATES, INC.
P.O. Box 519
Sauk Rapids, MN 56379-0519

CAPITAL ONE AURO FINANCE
Acct No 4074125
3905 Dallas Pkwy.
Plano, TX 75093-7892

CAPITAL ONE AUTO FINANCE
Acct No 4074125
P.O. Box 60511
City of Industry, CA 91716-0511

CITIBANK (SOUTH DAKOTA), N.A.)/SEARS
Acct No 5049-9401-5151-6282
c/o MIDLAND CREDIT MANAGEMENT, INC.
P.O. Box 60578
Los Angeles, CA 90060-0578

CITIBANK SOUTH DAKOTA
Acct No 12000708XXXX
c/o CACH, LLC
4340 S. Monaco, 2nd Floor
Denver, CO 80237-3408

CITIBANK SOUTH DAKOTA
Acct No 854086XXXX
c/o MIDLAND FUNDING, LLC.
8875 Aero Dr.
Suite 200
San Diego, CA 92123-2255

CIVIL SHERIFF OFFICE
Acct No Case # 13C020672
330 SO. CASINO CTR. BLVD.
Las Vegas, NV 89101-6102

COMENITY BANK
Acct No 5856372441690804
P.O. Box 659704
San Antonio, TX 78265-9704

COMENITY BANK/DRESSBRN
Acct No 5856372441690804
P.O. Box 182789
Columbus, OH 43218-2789

Capital One Auto Finance
9441 LBJ Freeway, Suite 350
Dallas, TX 75243-4652

DISH NETWORK
Acct No 104557XXXX
c/o AFNY
P.O. Box 3097
Bloomington, IL 61702-3097

FIRST TENNESSEE BANK NAT'L ASSOCIATION
Acct No 10410037
Attn: Credit Inquiry Dept.
Knoxville, TN 37995-1501

GE CAPITAL RETAIL BANK/JC PENNEY
Acct No 6008893362992038
c/o PORTFOLIO RECOVERY ASSOCIATES, LLC.
P.O. Box 12914
Norfolk, VA 23541-0914

GE CAPITAL RETAIL BANK/JC PENNEY
Acct No 6008893362992030
c/o PORTFOLIO RECOVERY
120 Corporate Blvd.
Norfolk, VA 23502-4962

GREEN TREE SERVICING, LLC
Acct No 896328085
P.O. Box 6172
Rapid City, SD 57709-6172

(p) GREENTREE SERVICING LLC
BANKRUPTCY DEPARTMENT
P O BOX 6154
RAPID CITY SD 57709-6154

GREEN TREE SERVICING, LLC
Acct No 896328085
c/o ALTERNATIVE RECOVERY MANAGEMENT
8204 Partway Dr., Ste. 9
La Mesa, CA 91942-2407

GREEN TREE SERVICING, LLC.
Acct No 1523739
c/o SINERGETIC COMMUNICATION, INC.
1301 E. 3rd. Ave. Ste. 200
Post Falls, ID 83854-7545

Green Tree Servicing, LLC
7340 S. Kyrene Road
Recovery Dept. T-120
Tempe, AZ 85283-4573

HSBC BANK NEVADA
Acct No 5407-9150-1221-4158
P.O. Box 30253
Salt Lake City, UT 84130-0253

HSBC BANK NEVADA N.A./HOUSEHOLD BANK
 Acct No 14769118
 c/o CALVARY PORTFOLIO SERVICES, LLC.
 P.O. Box 27288
 Tempe, AZ 85285-7288

LAS VEGAS ATHLETIC CLUB
 Acct No 472351660XXXX
 c/o QUANTUM COLLECTIONS
 3080 S. Durango Dr., Ste. 105
 Las Vegas, NV 89117-4411

Quantum3 Group LLC as agent for
 Comenity Bank
 PO Box 788
 Kirkland, WA 98083-0788

SEARS/CBNA
 Acct No 5121075047617164
 P.O. Box 6282
 Sioux Falls, SD 57117-6282

DAVID M. CROSBY
 CROSBY & ASSOCIATES
 711 S 8TH ST
 LAS VEGAS, NV 89101-7006

INTERNAL REVENUE SERVICE
 110 CITY PARKWAY
 Las Vegas, NV 89106-6085

LAS VEGAS ATHLETIC CLUB
 Acct No 472351703XXXX
 c/o QUANTUM COLLECTIONS
 3080 S. Durango Dr., Ste. 105
 Las Vegas, NV 89117-4411

ROBERT S. QUALEY, ESQ, BAR #3570
 Acct No Case # 13C020672
 DOTSON & QUALEY
 2320 Paseo Del Prado
 Bldg. B, Ste. 205
 Las Vegas, NV 89102-4358

SETERUS
 Acct No 8240764-1
 P.O. Box 54420
 Los Angeles, CA 90054-0420

KATHLEEN A. LEAVITT
 201 LAS VEGAS BLVD., SO. #200
 LAS VEGAS, NV 89101-5727

JUSTICE COURT, LAS VEGAS TOWNSHIP
 Acct No Case # 13C020672
 REGIONAL JUSTICE CENTER
 200 Lewis Justice Center
 P.O. Box 552511
 Las Vegas, NV 89155-2511

MACY'S
 Acct No NV-6526356-MACY
 LAW OFFICE OF
 PALMER, REIPLER & ASSOCIATES, P.A.
 1900 Summit Tower Blvd. Ste. 820
 Orlando, FL 32810-5951

SEARS/CBNA
 Acct No 5049-9401-5151-6282
 P.O. Box 6282
 Sioux Falls, SD 57117-6282

SETERUS, INC.
 Acct No 8240764-1
 14253 SW Millikan Way
 Suite 200
 Beaverton, OR 97005

SANDRA L. MACIAS
 880 MANTIS WAY, UNIT 2
 LAS VEGAS, NV 89110-6454

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

GREEN TREE SERVICING, LLC
 Acct No 896328085
 P.O. Box 94710
 Palatine, IL 60094-4710

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) FEDERAL NATIONAL MORTGAGE ASSOCIATION

End of Label Matrix
 Mailable recipients 44
 Bypassed recipients 1
 Total 45